

REMARKS

Reconsideration and allowance of the present application based on the following remarks are respectfully requested. Claims 1-25 are currently pending in the application. Of the above claims, claims 20-25 are cancelled. Claim 2 has been amended. Support for the amendment may be found throughout the specification. No new matter has been added. Upon entry of the above amendments, claims 1-19, as amended, will be pending.

The Examiner has acknowledged the response to the previous restriction requirement filed 10/9/2008. However, the Examiner says that the Applicants elected Group I, claims 1-25, drawn to a conjugate comprising a magnetic polymer bound to carboxymethylated aspartate ligand chelating Ni and a process of making and using said product. This is incorrect. Applicants elected Group V, claims 1-25 drawn to a conjugate comprising a magnetic polymer bound to carboxymethylated aspartate ligand chelating Co and a process of making and using said product, with traverse. Applicants note that the Examiner has not responded to the Applicants' traverse of this initial restriction requirement and accordingly presumes that the Examiner agrees with Applicants and has agreed to search all of Groups I-VII previously identified in the restriction requirement dated 4/10/2008 and remove that restriction requirement.

In the current restriction requirement dated 10/9/2008, the Examiner requires a restriction within each of the groups identified below:

- Group I(A). Claims 1, 9-14 and 19, drawn to a conjugate comprising a magnetic polymer particle bound to carboxymethylated aspartate chelating ligand and a method of making said product.
- Group I(B). Claims 2-8, 16-18, 19-22 and 23-24, drawn to a conjugate comprising a magnetic polymer particle bound to carboxymethylated aspartate chelating ligand and a metal (Ni) atom or iron as well as methods of making and utilizing said product.

In response to the Restriction Requirement, Applicants elect Group I(A). Applicants note that the amendment to claim 2 results in claims 1-19 reading on the elected Group I(A). Applicants expressly reserve the right to file divisional applications or other appropriate measures deemed necessary to protect the inventions in the remaining unelected groups.

Therefore, it is respectfully submitted that the present application is in condition for allowance and a Notice to that effect is earnestly solicited.

CONCLUSION

Applicant believes that a full and complete reply has been made to the outstanding Restriction Requirement. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided. Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

Date: May 18, 2009

/John E. Mauk/
John E. Mauk
Reg. No. 54,579

Life Technologies Corporation
Customer No. 52059
(760) 268-8503